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May 15, 2020

Honorable Victor Marrero
United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, N.Y. 10007

Re: United States of America v. Tomas Anzaldúa, No. S1 19 Cr. 579
(VM) (S.D.N.Y. 2019)

Dear Judge Marrero:

I represent defendant Tomas Anzaldúa in the above-referenced matter. I write to request a modification of the terms of Mr. Anzaldúa's pretrial release to remove the home detention and location monitoring requirements. We have consulted with the Pretrial Services Office and the U.S. Attorney's Office, and they do not object to this request.

Mr. Anzaldúa was arrested in the Southern District of Texas on January 21, 2020 in connection with this matter. On January 22, 2020, he was brought before Magistrate Judge

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Juan F. Alanis, who granted the government's motion for temporary detention and a continuance to prepare for a detention hearing. *See United States v. Tomas Anzaldua*, No. 7:20 MJ 163 (S.D. Tex. 2020), at Dkt. 4. On January 28, 2020, a detention hearing was held before Judge Alanis. Based upon the findings it made at the hearing, the court granted bail and set Mr. Anzaldua's conditions of release to include home detention and GPS location monitoring, along with a \$100,000 personal recognizance bond secured by a \$10,000 cash deposit. *See id.* at Dkt. 9. Mr. Anzaldua was subsequently released when bail was posted. On March 5, 2020, Mr. Anzaldua appeared in the Southern District of New York and was arraigned before Magistrate Judge Kevin N. Fox. Judge Fox set Mr. Anzaldua's conditions of release to include home detention and location monitoring, along with the \$100,000 personal recognizance bond, co-signed by two financially responsible persons, and the \$10,000 cash security previously set. Dkt. 52. Mr. Anzaldua was released on that bond and subject to those conditions, among others. On May 7, 2020, the Court entered an order temporarily modifying the conditions of bail to permit home detention to be monitored with technology at the discretion of the Pretrial Services Officer. Dkt. 57.

Since his arrest nearly four months ago, Mr. Anzaldua has fully complied with all of his conditions of release. He has timely appeared at all court hearings, including flying to the Southern District at his own expense¹, despite being indigent, to attend his arraignment and initial appearance. He has satisfactorily completed the drug treatment program, as supervised by the Pretrial Services Officer. He is employed full-time as a construction worker, an industry in which he has significant prior experience. As part of that employment, he is required to wear heavy duty work boots, which have occasionally interfered with his ankle monitor and have caused the device to vibrate and transmit alerts. Mr. Anzaldua promptly informed his Pretrial Services Officer of the issues with the device, including by sending photographs of the device on his leg. We have spoken to Officer Soto, Mr. Anzaldua's Pretrial Services Officer in the Southern District of Texas, who indicated that the device may be malfunctioning, and that, regardless, he does not oppose removal of the ankle monitor for Mr. Anzaldua's supervision, in part because it physically interferes with Mr. Anzaldua's work boots.

We subsequently conferred with the U.S. Attorney's Office, which informed us that the government views the location monitoring and home detention requirements as operating in tandem, and that Pretrial Services and the U.S. Attorney's Office do not object to removing both the electronic monitoring and home detention requirements. In light of Mr. Anzaldua's excellent supervision record, and his strong ties to the McAllen, Texas, area, where nearly all of his family members are located, we believe that neither of these conditions is necessary to ensure Mr. Anzaldua's appearance at all future proceedings. Accordingly, we respectfully request that

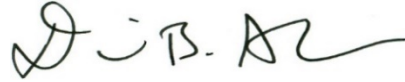
¹ Although the Court issued an order requiring the United States Marshals Service to pay for Mr. Anzaldua's transportation, Dkt. 49, due to the logistics of travel from the McAllen, Texas, area to New York, we were unable to arrange funded transportation for Mr. Anzaldua in time to ensure his appearance in New York on March 5 and 6. Rather than risk further delay or missing the scheduled appearances, Mr. Anzaldua arranged and paid for his own flights.

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the conditions of Mr. Anzaldúa's bail be modified to remove the home detention and location monitoring conditions.

Respectfully submitted,



David B. Anders

SO ORDERED.	
5/18/2020	
DATE	
VICTOR MARRERO, U.S.D.J.	